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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,359	12/20/2001	Roderick L. Roma	088305-0138	3441

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FOLEY AND LARDNER LLP  
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3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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PARDO, THUY N

ART UNIT	PAPER NUMBER
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2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/022,359

**Applicant(s)**

ROMA ET AL.

**Examiner**

Thuy N. Pardo

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007 and 24 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 03, 2007 has been entered.
2. In Applicant's Amendment filed on January 03, 2007, claims 1-45 are pending in the application, claims 1, 5, 16, 20, 31 and 35 are independent claims, and claims 1, 5, 31 and 35 are amended. This Office Action is Non-Final.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-30 and 31-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burge et al. (Hereinafter "Burge") US Patent No. 6,014,638 in view of Leisten et al. (Hereinafter "Leisten") US Patent No. 6,023,702.

As to claim 1, Burge teaches the invention substantially as claimed, comprising:

receiving an identification of a first customer [user ID, col. 4, lines 20-23];

identifying one or more applications stored in the compute system accessible to the first customer [products and services relating to specific products and services from a particular merchant's site, col. 3, lines 66 to col. 4, lines 17];

receiving a selection of a first application from the one or more applications to execute [the shopper's selection is communicated back to the electronic shopping manager, col. 4, lines 38-45];

identifying one or more rules applicable to the application [must establish an account with on-line service and have a password for accessing the service, col. 4, line 17-22; col. 8, lines 10-20];

executing in the computer system one or more generic tasks stored in a first area accessible to all customers [display general topics, categories to shoppers, col. 3, lines 65 to col. 4, lines 17];

executing in the computer system at least one customized task according to the identified one or more rules [operations to accomplish a customized task must follow two principle phases, col. 5, lines 51 to col. 6, lines 25], the at least one customized task being stored in a second area accessible only to the first customer [customized according to the user's preferences stored in the

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User Profile Database so it may be presented to the user, col. 7, lines 38-49; col. 8, lines 21-60] wherein the at least one customized task is different from any generic task and generated according to information provided by the first customer [col. 8, lines 49 to col. 9, lines 53].

However, Burge does not explicitly teach the rules determining which tasks of the first application are to be performed, the sequence in which the tasks are performed, and what data is used in performing the tasks, each task implementing a modularized set of actions that provide functionality to the application although it has the same functionality for customizing content for users [Burge, ab]. Leisten teaches the rules determining which tasks of the first application are to be performed enforcing the rules for the specific role, ab], the sequence in which the tasks are performed [rules of sequencing activities, col. 2, lines 51-62; top to bottom rules, col. 12, lines 31 to col. 13, lines 15], and what data is used in performing the tasks [the partition of a stage within the domain with consistent and checked attributes, col. 15, lines 12-34; fig. 2-9C], each task implementing a modularized set of actions that provide functionality to the application [col. 15, lines 50 to col. 16, lines 14; fig. 2-9C].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Leisten to the system of Burge as an essential means to enforce the rules for the specific role, thereby, reduce costs and increase product quality.

As to claim 2, Burge and Leisten teach the invention substantially as claimed. Burge further teaches receiving an identification of a second customer different from the first customer [inherent in the system because each customer has his own id and password, col. 4, line 17-22];

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identifying one or more applications accessible to the second customer [col. 8, lines 61 to col. 9, lines 53]; receiving a selection of a second applications accessible to the second application from the one or more customer to execute [col. 9, lines 26-53]; executing one or more generic tasks stored in the first area accessible to all customers according to the identified one or more rules applicable to the second application and, the at least one customized task being stored in a third area accessible only to the second customer [col. 9, lines 26 to col. 10, lines 13].

As to claim 3, Burge and Leisten teach the invention substantially as claimed. Burge further teaches that at least one of the generic tasks executed for the first application is executed for the second application [col. 9, lines 26 to col. 10, lines 13].

As to claim 4, Burge and Leisten teach the invention substantially as claimed. Burge further teaches that at least one of the rules applicable to the first application is applicable to the second application [establishing an account with on-line service and having a password for accessing the service must be applied for all shoppers, col. 4, line 17-22].

As to claim 5, Burge and Leisten teach the invention substantially as claimed. Burge further teaches receiving a request to modify the first generic application into a first custom application, generating at least one customized task based upon the received request, and modifying at least one of the one or more identified rules to incorporate the at least one customized task into the first custom application, the first custom application including at least one of the one or more generic tasks included in the first generic application [col. 8, lines 2-60].

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As to claim 6, Burge and Leisten teach the invention substantially as claimed. Burge further teaches that the request includes details about tasks to include in the first custom application, and the at least one customized task is generated according to the details [col. 8, lines 21-60].

As to claim 7, Burge and Leisten teach the invention substantially as claimed. Burge further teaches that the generating the at least one customized task includes modifying at least one of the one or more generic tasks to generate the at least one customized task [col. 8, lines 21-60].

As to claim 8, Burge and Leisten teach the invention substantially as claimed. Burge further teaches that the at least one customized task is a new task different from the identified one or more generic tasks [col. 10, lines 55-67].

As to claim 10, Burge and Leisten teach the invention substantially as claimed. Burge further teaches that storing the at least on customized task of the first custom application in a location in memory that is only accessible to the first customer [customized display of seven options for the second shopper, col. 9, lines 45 to col. 10, lines 13].

As to claim 13, Burge and Leisten teach the invention substantially as claimed. Burge further teaches storing the at least on customized task of the second custom application in a

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location in memory that is only accessible to the second customer [customized display of three options for the second shopper, col. 9, lines 45 to col. 10, lines 13].

As to claim 14, Burge and Leisten teach the invention substantially as claimed. Burge further teaches that the first and second generic applications are the same [5 different casual clothing stores operated by 5 different merchants, col. 8, lines 61-67].

As to claim 15, Burge and Leisten teach the invention substantially as claimed. Burge further teaches that the first and second generic applications are different [general topics, categories, or areas of interests from variety of merchants' sites, col. 4, lines 6-17].

As to claims 9, 11, 12, 16-45, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

#### ***Response to Arguments***

4. Applicant's arguments filed on January 03, 2007 Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Burge does not teach executing a customized task according to the identified one or more rules.

As to this point, Examiner respectfully disagrees. It should be noted that this feature was taught by Burge. First, the user must provide to the subscriber a user ID and password for



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accessing the service. Burge's system allows the shopping environment and experience to be customized or tailored for each shopper [see col. 2, lines 64-67]. Secondly, operations to accomplish a customized task must follow two principle phases. In the first phase, data regarding the shopper's preferences are collected. Following the data collection phase is a display customization phase [see col. 5, lines 51 to col. 6, lines 25].

Applicant argues that Burge fails to teach that at least one customized task being stored in a second area accessible only to the first customer.

Examiner respectfully disagrees. Burge teaches that his system allows the shopping environment and experience to be customized or tailored for each shopper [col. 2, lines 64-67]. The processes of determining content and content presentation are separated so that the layout of the displays is completed independently of content selection [col. 3, lines 45-52]. The general display variables are used to determine actual display characteristics for a particular shopper [see 58-60].

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 02, 2007

A handwritten signature in black ink, appearing to be 'Thuy N. Pardo', written over a faint circular stamp.

**THUY N. PARDO**  
**PRIMARY EXAMINER**